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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,787	05/08/2006	Michael Neumann	2003P01684WOUS	8723

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EXAMINER

ALI, MOHAMMAD M

ART UNIT	PAPER NUMBER
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3744

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,787	Applicant(s) NEUMANN ET AL.	
	Examiner MOHAMMAD M. ALI	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipate by Erickson (US 6,412,291). Erickson discloses a refrigeration device comprising a collection device (13) for condensed water and a vaporizer (Fogging nozzle 15) for said condensed water connected to the collection device (13); said vaporizer (15) operating to produce droplets of water by a non-evaporation step in which said droplets of water are formed directly from said condensed water without any intermediate steps of evaporating said condensed water into gas and thereafter condensing the gas to form droplets See Fig. 1, column 3, line 8 to column 4, line 15; lines 3-5 of abstract; colum 1, lines 41-54.

Regarding claim 10, Erickson discloses the limitations of claim 10.

Regarding claim 11, Erickson discloses that said vaporizer (15) disposed above a collecting tray (13/30, Fig 2)).

Regarding claim 13, Erickson discloses that said collecting tray(13/30) and said evaporator tray form a single unit.

Regarding claim 14, Erickson discloses that said vaporizer (15/27) having a vaporizer nozzle and a pump (14/32) for pressing said condensed water through said vaporizer nozzle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson in view of L. A. Philipp hereinafter Philipp (US 2,315,222). Erickson discloses the invention substantially as claimed as stated above except the evaporator tray heated by a compressor. Philipp teaches the use of an evaporator tray (30) heated by a compressor (92) in refrigeration/refrigerator system for the purpose of cooling the compressor (92). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigeration device of Erickson

in view of Philipp such that an evaporator tray could be provided to be heated by a compressor in order to cool the compressor..

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson in view of Funk (4,477,166) and Parenti (2,222,823).

Erickson discloses the invention substantially as claimed as stated above except solenoid displaceable pump. Funk teaches the use of a solenoid pump 25 in to pump water from a water source 26 to an evaporator 27 which heated and receives pump water in order to vaporize the water. However, Funk does not disclose details of the solenoid pump to disclose the solenoid displaceable in a coil of linearly driving a piston. See Fig.1, column 3, lines 54-68. Parenti teach the details of the missing portion as mentioned. Parenti disclose solenoid coil 62, a pump piston 20, spring 55, 44 which transpires that the piston 20 moves by the actuation of solenoid coil 65 and springs 55, 44. See Fig 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pump of Erickson in view of Funk and Parenti such that a linearly displaceable solenoid operated pump could be provided in order to pump the condensate water.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson in view of Shiraishi (JP 2002-295968).

Erickson discloses the invention substantially as claimed as stated above except a door operated pump. Shiraishi teaches the use of a door operated pump with a cylinder 23, a piston 24 filled with working fluid in a refrigerator. See Fig. in a refrigerator

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for the purpose of using a pump during opening closing a door. Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the condensate pump of Erickson in view of Shirashi such that a door operated pump could be provided so that it could be utilized to pump the condensate water. In other words the general concept of designing a door operated pump falls within the common knowledge as obvious mechanical expedient and this is illustrated by Shiraishi, which teaches the actuation of a refrigerant door operated pump with cylinder 23 which supports a piston 22 and a pipe filled with working fluid 24. The piston is actuated along the opening direction of the door by a pump which pressurizes the working fluid and this mechanism is to replace the pump of Navaro and Minari et al., by a door operated pump to pump the condensate water to the heat generated device.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson in view of Masashi (2003-202179). Erickson discloses the invention substantially as claimed as stated above except a vaporizer formed by a high-frequency oscillator. Masashi teaches the use of a high-frequency oscillator (ultrasonic vibrator 11) a refrigeration device comprising a collection device 7 for condensed water and a vaporizer/ultrasonic oscillator (11) in a refrigeration system for the purpose of creating fog or droplets from condensed water See Figs 5-6 and the Para [005] of the enclosed translation. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigeration system of Erickson in

view of Masashi such that a high-frequency oscillator could be provided in order to oscillate and create fog or droplets out of condensed water.

Regarding claim 18, Masashi discloses that a float (sensor 13) for detecting collection quantity of the condensed water and control device for operating the vaporizer (11) when the collected quantity of condensed water detected exceeds a predetermined *limiting value*.

Response to Arguments

Applicant's arguments see argument, filed 04/21/09, with respect to claims 10-18 have been fully considered and are persuasive. The final rejection of 09/05/08 has been withdrawn as mentioned above.

Applicant's arguments, see arguments, filed 04/21/09, with respect to the rejection(s) of claim(s) 10-18 under 103 rejections have been fully considered and are persuasive. Therefore, the rejection has been withdrawn as mentioned above. However, upon further consideration, a new ground(s) of rejection is made in view of new prior art as explained above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD M. ALI whose telephone number is (571)272-4806. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad M Ali/
Primary Examiner, Art Unit 3744